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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,399	09/23/2003	Kuo Shih-Chieh	BHT/3212-42	9361
7590	08/07/2006		EXAMINER	
TROXELL LAW OFFICE SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041			TRAN, VINCENT HUY	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/667,399	SHIH-CHIEH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent T. Tran	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 June 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This Office Action is responsive to the communication filed on 14 June 2006.
2. Claims 1-33 are pending for examination.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 7, 14, 21, 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants claimed scanning the computer system by utilizing a stack structure to identify the user system settings capable of being transferred within the computer system, retrieving and storing the user system settings capable of being transferred, and transferring the stored user system settings from the computer system to the storage medium. An example of such user system settings are icon font name, font size, window size related to the Microsoft window. There is no mention or suggestion by the applicant anywhere in the disclosure of the specific structure in which the system is utilize to perform its search/scanning.

6. Claims 1, 7, 14, 21, 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. utilizing a stack structure.

### ***Response to Arguments***

7. Applicant's arguments filed 4/14/06 have been fully considered but they are not persuasive.

Applicant contends that Atkins differs from the claimed scanning the computer system to identify the user system settings that the Atkins query the system directly to determine the identity of the operating system. The examiner respectfully submits that the method of Atkins is not differs from the claimed invention.

Specifically, Atkins teaches a method and system for automating migration of user system settings from an existing computer system to a replacement computer system in response to a user input [Abstract and at block 52 of fig. 2 where the user indicated whether or not setting for migration has been selected] wherein the system scanning the computer system to identify the user system settings capable of being transferred [col. 3 lines 24-35; first identify the source of the operating system which permit the system to retrieve all of the user settings from the various files an directory].

Regarding claim 14, Applicants contends that Schmidt utilizes the data table style structure to select and determine which files would be migrated. The examiner respectfully disagree.

As disclose in paragraph 31, Schmidt teaches

[0031] In accordance with one aspect of the present invention, in order to migrate state data from a source platform to a destination platform, a number of operations occur, including data gathering, estimating, state identification, state analysis, merging and translating. In general, data gathering is directed towards discovering the locations on the source platform where the user state is stored. Estimating is directed to determining the number of state objects and their size, wherein as described below, a state object generally refers to and maintains a specific piece of state, such as a file, a registry setting, or other data. State identification is directed to examining the data and organizing it, while state analysis includes identifying relationships and dependencies in the state. At the destination platform, (described below), merging is directed to consolidating two versions of user state into one, i.e., merging the state on the source with any existing state on the destination. For example, some user settings may be machine dependent, whereby a user changing machines should receive the destination machine's settings in a merge operation, not the source machine's settings. However other settings may represent the user's personal preferences, for example, whereby those preference settings should be migrated from the source to the destination platform. Translating is directed to performing conversion on the data from one format to another, e.g., to match a destination platform.

In another word, Schmidt teaches a scanning module, in response to a first user request, for scanning the first computer system by utilizing a stack structure to identify the user system settings capable of being transferred within the first computer system.

Further in paragraph 70-71

[0072] a source data gather module 209 is a module that identifies state on the source machine. One or more source data gather modules 209 run on the source platform when the application supports opaque temporary stores (i.e., stores that are not altered by end-users, as described above with respect to the standard flow path of step 314). This type of module also collects characteristics of the state, and often determines if the state should be migrated. In other words, source data gather modules 209 comprise modules that gather the source state data, and may organize the state data and/or mark it for translation.

[0071] Thus, a source data gather module 209 is responsible for identifying state objects that need to be transferred to the destination, identifying state objects that need to be

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applied on the destination, and examining state objects and marking them with characteristics. Note that a destination data gather module 212 is similar to a source data gather module except that it is run on the destination platform when the application 202 supports editable temporary stores (i.e., via the virtual computer flow path).

In another word, Schmidt teaches scanning the second computer system to identify the user system settings within the second computer system that match the user system settings stored in the storage module.

Regarding to Claim 17-20

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, as disclose by Goodman et al. the method allows a user to undo an executed step of applying the source computing environment to a destination computing platform.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-9, 14, 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunter et al. U.S. Patent No. 6,161,176 (“Hunter”).

10. As per claim 1, Hunter discloses a method for transferring, in response to a user request, [col. 3 lines 17-22; col. 12 lines 52-53] user system settings from a computer system to a storage medium, the method comprising the steps of:

(a) scanning the computer system by utilizing a stack structure to identify the user system settings capable of being transferred within the computer system [abs; fig. 2; Claim 1; col. 2 lines 28-46; from col. 1 line 22 to col. 2 line 25; col. 9 lines 19-30];

(b) retrieving and storing the user system settings capable of being transferred [col. 2 lines 58-63; col. 9 lines 48-60; col. 10 lines 17-32]; and

(c) transferring the stored user system settings from the computer system to the storage medium [col. 2 lines 63-65; col. 11 lines 5-14].

11. As per claim 2, Hunter further discloses the step of identifying the data files, capable of being transferred, in data files of a central hierarchical database within the computer system [col. 7 lines 4-27].

12. As per claim 3, Hunter further discloses the identifying the settings, capable of being transferred, in settings regarding a plurality of application program interface routines within the computer system [col. 1 line 60 to col. 2 line 3].

13. As per claim 4, Hunter discloses a driving device for recording/reading data from the storage medium [32 fig. 1], and the communication of the driving device conforms to USB standard or PCMCIA standard [col. 5 line 9].

14. As per claim 5, Hunter discloses the storage medium is one selected from the group consisting of a soft diskette, an optical disk, a memory stick and a memory card [29 fig. 1].

15. As per claim 6, Hunter discloses inherently the storage medium conforms to one selected from the group consisting of CompactFlash (CF) standard, MultiMediumCard (MMC) standard, Secure Digital (SD) standard, SmartMedia (SM) standard, Memory Stick (MS) standard, Memory Stick Duo (MSD) standard, and xD-Picture Card (xD-PC) standard [see fig. 1].

16. As per claim 7, Hunter discloses a method for transferring, in response to a first user request, predetermined user system settings stored in a storage medium to a computer system [col. 11 lines 15-23], the method comprising the steps of:

(a) scanning the computer system by utilizing a stack structure to identify the user system settings within the computer system matching the predetermined user system settings [col. 13 lines 36-53]; and

(b) replacing the user system settings within the computer system matching the predetermined user system settings by the predetermined user system settings stored in the storage medium [col. 11 lines 24-43; col. 11 lines 61-67; Claim 10].

17. As per claim 8, Hunter further discloses inherently the step of identifying the settings in settings regarding a plurality of application program interface routines within the computer system matching the settings of the predetermined user system settings [Fig. 4].

18. As per claim 9, Hunter further discloses comprises the step of identifying the data files in data files of a central hierarchical database within the computer system matching the data files of the predetermined user system settings [Fig. 3-Fig. 4; col. 13 lines 41-46].

19. As per claim 14, see discussion in claim 1 and 7.

20. As per claim 21-29, Hunter discloses a method for transferring, in response to a user request, user system settings from a computer system to a storage medium. Therefore, Atkins et al. teach a computer program product comprising a storage medium having a computer program to perform the method.

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21. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipate by Schmidt et al. US 20030074386.

22. As per claim 14, Schmidt et al. disclose a system for transferring user system settings from a first computer system to a second computer system[paragraph 0030], the system comprising:

a first scanning module, in response to a first user request, for scanning the first computer system by utilizing a stack structure to identify the user system settings capable of being transferred within the first computer system [paragraph 0031, 0070-0072];

a storage module for retrieving and storing the user system settings, within the first computer system, identified by the first scanning module [paragraph 0083];

a second scanning module, in response to a second user request, for scanning the second computer system to identify the user system settings matching the user system settings stored in the storage module [paragraph 0092, 0095, 0099, 0106]; and

a transferring module for replacing the user system settings stored within the second computer system matching the user system settings stored in the storage module by the user system settings stored in the storage module [paragraph 0109].

23. As per claim 15, Schmidt et al. disclose inherently the user system settings, capable of being transferred, within the first computer system comprise the data files, capable of being transferred, in data files of a central hierarchical database within the first computer system.

24. As per claim 16, Schmidt et al. disclose inherently the user system settings, capable of being transferred, within the first computer system comprise the settings, capable of be transferred, in settings regarding a plurality of application program interface routines within the first computer system.

25. Claims 10-13, 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter as applied to claim 7, 8, 9 above, and further in view of Goodman et al. US. 2003/0225927.

26. As per claim 10, Hunter teaches the step (b), retrieving and storing the user system settings within the computer system matching the predetermined user system settings [see discussion in claim 1 and 7]; However, Hunter does not teach expressly after step (b), in response to a second user request, restoring the replaced user system settings by the retrieved and stored user system settings previously within the computer system and matching the predetermined user system settings.

Goodman et al. teach another method and system for immigrating a computing environment for a source computing platform to a destination computing platform. Specifically, Goodman et al. teach after step (b), in response to a second user request, restoring the replaced user system settings by the retrieved and stored user system settings previously within the computer system and matching the predetermined user system settings [paragraph 0035].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the method of Hunter with the step of restoring the replaced user

system settings in order to protect the integrity of the system in the event the migration process was not successful.

27. As per claim 11, Hunter teaches the computer system comprises a driving device for recording/reading data from the storage medium, and the communication of the driving device conforms to USB standard or PCMCIA standard [see claim 4].
28. As per claim 12, Hunter teaches the storage medium is one selected from the group consisting of a soft diskette, an optical disk, a memory stick and a memory card [see claim 5].
29. As per claim 13, Hunter teaches the storage medium conforms to one selected from the group consisting of CompactFlash (CF) standard, MultiMediumCard (MMC) standard, Secure Digital (SD) standard, SmartMedia (SM) standard, Memory Stick (MS) standard, Memory Stick Duo (MSD) standard, and xD-Picture Card (xD-PC) standard [see claim 6].
30. 35 U.S.C. 103(a) as being unpatentable over Schmidt et al. as applied to claim 14, 15, 16 above, and further in view of Goodman et al.
31. As per claim 17, Schmidt et al. teach a first and second module for scanning and storing the user setting from a source computing platform to a destination platform. However, Schmidt et al. do not teach expressly a restoring module for storing the user system settings within the second computer system within the second computer system matching the user system settings

stored in the storage module, and restoring the replaced user system settings by the stored matched user system settings in response to a third user request.

Goodman et al. teach another method and system for immigrating a computing environment for a source computing platform to a destination computing platform. Specifically, Goodman et al. teach, in response to a third user request, a restoring module for restoring the user system settings within the second computer system matching the user system settings stored in the storage module, and restoring the replaced user system settings by the stored matched user system settings [paragraph 0035].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the method of Schmidt et al. with the step of Claims 17-20 are rejected under restoring the replaced user system settings in order to protect the integrity of the system in the event the migration process was not successful.

32. As per claim 18, Schmidt et al. teach the storage module is one selected from the group consisting of a soft diskette, an optical disk, a memory stick and a memory card [156, 155 fig. 1].

33. As per claim 19, Schmidt et al. teach the storage module conforms to one selected from the group consisting of CompactFlash (CF) standard, MultiMediumCard (MMC) standard, Secure Digital (SD) standard SmartMedia (SM) standard, Memory Stick (MS) standard, Memory Stick Duo (MSD) standard, and xD-Picture Card (xD-PC) standard [paragraph 0025].

34. As per claim 20, Schmidt et al. teach the first computer system comprises a first driving device, the second computer system comprises a second driving device, the first driving device and the second driving device are for recording/reading data from the storage module, and communication of the first driving device and communication of the second driving device both conform to USB standard or PCMCIA standard [inherent].

**35. Examiner's note:**

Examiner has cited particular paragraph, columns, and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**36. Prior Art not relied upon:**

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

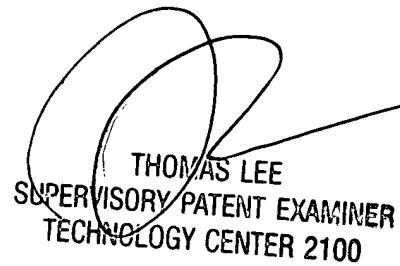
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571)272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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